

---

## **CITY COUNCIL MEETING**

### **TUESDAY, MAY 26, 2009**

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Council President Vaughn D, Spencer.

All present pledged to the flag.

#### **ATTENDANCE**

Council President Vaughn Spencer  
Councilor Steve Fuhs, District 1  
Councilor Marcia Goodman-Hinnershitz, District 2  
Councilor Dennis Sterner, District 3  
Councilor Stratton Marmarou, District 4  
Councilor Maria Baez, District 5  
Councilor Jeffrey Waltman, District 6  
Mayor, Thomas McMahon  
City Auditor, D. Cituk  
Legal Specialist, T. Butler  
Sgt. at Arms, Captain R. Schafer  
Public Works Director, C. Jones  
City Clerk, L. Kelleher

#### **PROCLAMATIONS AND PRESENTATIONS**

##### **City Council issued the following Commendations:**

- Recognizing National Public Works Week, accepted by Public Works Director Charlie Jones
- Recognizing the 125<sup>th</sup> Anniversary of the Children's Home of Reading, accepted by Vincent J. LaSorsa, President and CEO
- Recognizing the achievements of Brian Appleton, Holy Name High School student
- Recognizing the achievements of Seona Choi, Holy Name High School student
- Recognizing the achievements of Ian Gavigan, Reading High School student

## **PUBLIC COMMENT**

Council President Spencer announced that two (2) citizens were registered to address Council on non-agenda issues. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the conclusion of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the conclusion of the meeting was suspended. Council President Spencer reminded the citizens registered to speak about the remaining public speaking rules.

**Jay Moyer, representing New Journey Methodist Church, 138 South 6<sup>th</sup> Street**, asked Council to consider removing the parking meters located in front of the church. He stated that the church has daily activities to support people in need of services such as the food bank. He stated that the parking meters interfere with the church's daily operations and delivery of their services.

**Jeannette Firek, South 18<sup>th</sup> Street**, expressed the belief that the K-9 Unit should remain operational. She inquired why the City F.O.P. did not raise the issue pertaining to the selection procedure before the canine team was trained and formed.

## **AGENDA & MINUTES**

Councilor President Spencer asked Council to consider the minutes from the May 11<sup>th</sup> regular meeting and the agenda for this meeting including the items listed under the Consent Agenda heading. He noted the need to add two (2) pieces of legislation as follows:

- Resolution decertifying the KOZ (Keystone/Opportunity Stone) at Fritz's Island.
- Introduction of ordinance revoking the need for funeral homes to purchase No Parking signs.

**Councilor Baez moved, seconded by Councilor Waltman, to approve the minutes from the May 11<sup>th</sup> regular meeting and to adopt the agenda, as amended, along with the legislation listed under the consent agenda heading. The motion was approved unanimously.**

## **Consent Agenda Legislation**

**Resolution 57-2009** authorizing the Mayor to execute a FFY2008 one year Action Plan and FFY2004 to FFY2008 five year Consolidated Plan amendment  
**(Community Development)**

**Resolution 58-2009** updates to Met-Ed lighting agreement **(Managing Director)**

**Resolution 59-2009** requesting Met-Ed install additional street lights along N. 13<sup>th</sup> Street from Rockland St to the City line **(Traffic Engineering)**

**Resolution 60-2009** authorizing the filing of an application for “RACP” funds in the amount of five hundred thousand dollars (\$500,000.00) for the YMCA of Reading and Berks County “Living the Legacy Capital Campaign” and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania (**Redevelopment Authority**)

**Resolution 61-2009** to approve a Sewage Planning Module for the Redevelopment Authority Penn Street Hotel and Garage project (**Public Works**)

### **ADMINISTRATIVE REPORT**

As the Managing Director was absent the report was read in his stead. The report covers the following:

- Centre Park Garden Tour and 2<sup>nd</sup> quarterly neighborhood meeting
- Budget Summit scheduled for June 20<sup>th</sup> in Council Chambers at 9 am.
- Public Meeting on June 3<sup>rd</sup> at 7 pm regarding the City Park Bandshell project.

Councilor Goodman-Hinnershitz inquired if this Public Meeting will provide opportunity for preliminary review of the proposed plan and public comment. Mayor McMahon replied that public comment about the preliminary plan can be given at this meeting.

### **AUDITOR’S REPORT**

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following topics:

- Collection of 2009 admission tax/fee
- Collection of the 2009 real estate transfer tax

### **ORDINANCES FOR FINAL PASSAGE**

**Ordinance 27–2009** amending Section 6 Prohibited Behaviors of the Code of Ethics by adding a provision regarding Fraudulent Behavior and amending the provisions regarding Use of City Property and Personnel and Political Activities (**Board of Ethics**)

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to table Bill No. 27-2009.**

**Bill No. 27-2009 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7.**

**Nay: None - 0.**

Council President Spencer stated that this Bill was tabled to provide Council with opportunity to review the Bill with Board of Ethics Solicitor, Ed Stock.

**Ordinance 28-2009** approving collection procedures and adopting penalty, interest and schedule of attorney fees to be added to the amount collected as part of municipal claims for delinquent accounts for solid waste accounts **(Law)**

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 28-2009.**

Council President Spencer stated that this Ordinance will allow collections fees for Solid Waste accounts to be added on top of the amount due to the City.

**Bill No. 28-2009 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7.**

**Nay: None – 0**

## **INTRODUCTION OF NEW ORDINANCES**

**Ordinance** - authorizing the Mayor to execute an easement agreement between the City of Reading and the Reading Area Water Authority thereby conveying unto the Reading Area Water Authority a non-exclusive, perpetual easement in gross upon that portion of premises known and designated as Easement 101-2 located within parcel ID # 530773-51-0576, along River Road, Reading, Berks County, Pennsylvania **(Law)**

**Ordinance** – revoking the need for funeral homes in the City of Reading to purchase No Parking signs.

## **RESOLUTIONS**

**Resolution 62 -2009** A Resolution Extending The Term Of Real Property, Earned Income Tax, Net Profits Mercantile, And Business Privilege Taxes Within A Specific Geographic Area In Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District) Designated As A Keystone Opportunity Zone, Keystone Opportunity Expansion Zone Or Keystone Opportunity Improvement Zone In Order To Foster Economic Opportunities, Stimulate Industrial, Commercial, And Residential Improvements And Prevent Physical And Infrastructure Deterioration Within Areas Of Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District), Upon Certain Terms And Conditions **(Law)**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to adopt Resolution 62-2009.**

Councilor Goodman-Hinnershitz requested that the list of properties added to the KOZ zone be added to the resolution

Councilor Fuhs noted the importance of this tool to stimulate redevelopment in the City of Reading.

**The motion to adopted Resolution 62-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7.**  
**Nay: None - 0.**

**Resolution 63-2009** Removing Exemptions from Real Property Tax, Earned Income Tax, Net Profits Tax, Mercantile and Business Privilege Tax within a Specific Geographic Area in Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District), Designated As Part of the Southeast Keystone Opportunity Zone **(Law)**

**Councilor Marmarou moved, seconded by Councilor Fuhs, to adopt Resolution 63-2009.**

Councilor Waltman explained that in 1998 the Fritz Island parcel was put in the KOZ as a place saver. This 88 acre parcel can now be used as a swap to expand the incentive in areas the city would like to encourage redevelopment in.

Councilor Goodman-Hinnershitz stated that she will support all four (4) resolutions pertaining to this transaction as this will stimulate redevelopment that will benefit the City's tax base long-term. She stated that the KOZ will provide an important edge for the City as they compete for redevelopment projects.

Councilor Fuhs explained that local incentives are necessary as Pennsylvania is not a business friendly state.

Councilor President Spencer stated that he will support some of this legislative package, but not all, as he does not believe in freezing taxes for some of the properties added to the list.

**The motion to adopt Resolution 63-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman - 6**  
**Nay: Spencer, President -1.**

**Resolution 64-2009** Authorizing Real Property, Earned Income Tax, Net Profits Mercantile, And Business Privilege Taxes Within A Specific Geographic Area In Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District), Designated As A Proposed Keystone Opportunity Zone In Order To Foster Economic Opportunities, Stimulate Industrial, Commercial, And Residential Improvements And Prevent Physical And Infrastructure Deterioration Within Areas Of Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District), Upon Certain Terms And Conditions **(Law)**

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman, to adopt Resolution 64-2009.**

**The motion to adopt Resolution 64-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7.**  
**Nay – None - 0.**

**Resolution 65-2009** Removing Tax Exemptions from properties located in the Southeast Keystone Opportunity Zone known as Fritz’s Island

**Councilor Baez moved, seconded by Councilor Fuhs, to adopt Resolution 65-2009.**

**The motion to adopt Resolution 65-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7.**  
**Nay – None - 0.**

**Resolution 66–2009** reappointing Carl Herbein to the Convention Center Authority **(Administrative Oversight)**

**Resolution 67-2009** appointing Nicole Mengel-Groff to the Animal Control Board **(Administrative Oversight)**

**Resolution 68–2009** appointing Boyd Wagner to the Animal Control Board **(Administrative Oversight)**

**Resolution 69–2009** appointing Glenn Schmehl to the Fire Diversity Board **(Administrative Oversight)**

**The Administrative Oversight moves to adopt the appointments and**

## **reappointments No. 66-2009 – 69-2009.**

Councilor Marmarou noted the attributes of those being reappointed and appointed at this evenings meeting.

### **Resolutions 66-2009 – 69-2009 were adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7.**

**Nay: None - 0.**

### **COUNCIL COMMENT**

Councilor Fuhs noted the misconception that the \$500,000.00 coming to the City to form the K-9 unit was donated by the Berks County Community Foundation. He stated that this \$500,000.00 was drug forfeiture money held by the foundation during the City's dispute with former District Attorney Mark Baldwin.

Councilor Fuhs noted the neighborhood meeting scheduled with Hazel Street residents on Wednesday, May 27 at 6pm at St. Anthony's Hall.

Councilor Fuhs thanked the City's Vice Unit along with community members for their assistance in organizing a sting at the Silver Spa and Osaka business where prostitution was occurring.

Councilor Sterner congratulated those receiving Council commendations at this evenings meeting. He noted the importance of recognizing the achievements of the City's young adults and their parents.

Councilor Sterner agreed with the need to continue the City's K-9 unit as this provides a valuable support tool to the City's Police Department.

Councilor Sterner noted the upcoming community meeting in District 3.

Councilor Goodman-Hinnershitz noted the great Memorial Day parade and thanked the Reading Buccaneers for their participation and for providing the concert at Centre Park. She noted the great talent of the musicians who participate in the Buccaneers.

Councilor Goodman-Hinnershitz congratulated the academic achievements of the students honored at this evenings meeting.

Councilor Goodman-Hinnershitz noted the work of Ms. Firek to gather petition signatures to support the continuation of the City's K-9 unit.

Councilor Goodman-Hinnershitz described various projects to beautify District 2.

Councilor Marmarou announced the upcoming yard sale sponsored by the College Heights Community Council on May 30th. He also noted the Public Hearing concerning the start of The Heights Historic District on June 2 at 7 pm at 13<sup>th</sup> and Union Elementary School.

Councilor Baez congratulated the students and parents honored at tonight's meeting.

Council Baez announced the upcoming Glenside Community Group meeting scheduled for June 4.

Councilor Baez announced the upcoming mural project at District 5 businesses having large walls. The mural project will be used to deter graffiti in District 5. She asked any business owners with large wall space to contact her directly or to contact the City Council Office for more information.

Councilor Goodman-Hinnershitz asked Public Works Director Charlie Jones to elaborate on the changed regulations regarding the collection of grass clippings.

Public Works Director Charlie Jones stated that grass clippings cannot be placed in personal trash and he noted that due to new regulations grass clippings can no longer be mixed in with yard waste placed in recyclable bags curbside. He described various methods to re-use grass clippings and encouraged people with lawns to either compost the grass clippings or to purchase mulching mowers which eliminates the need for the clippings to be removed from the grass. He stated that due to the change in regulations grass clippings will be picked up curbside until June 12<sup>th</sup>.

Council President Spencer noted the many complaints concerning the lack of grass trimming at different City Parks and areas. He stated that at the Memorial Day Service at Veteran's Grove many people were quite upset that this area had not been trimmed before the service.

Public Works Director Jones apologized but noted that the City only has one crew currently on the trimming detail. He stated that the City only has one designated trimming crew due to tremendous amounts of yard waste that needs to be collected.

Councilor Marmarou noted that this is the third year that the grass has not been trimmed in Veteran's Grove for the Memorial Day weekend celebration. He suggested that Mr. Jones schedule accordingly so that the grass can be trimmed before this annual event.

Councilor Goodman-Hinnershitz noted the prior suggestions that the City seek community partnerships, to assist with trimming and cutting at public areas.



Councilor President Spencer reviewed the upcoming meeting schedule.

**Councilor Marmarou moved, seconded by Councilor Fuhs, to adjourn the regular meeting of Council.**

---

Linda Kelleher CMC, City Clerk